

JUDGE FRANK MONTALVO

FILED

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

2020 AUG 12 PM 12:53

UNITED STATES OF AMERICA,	§	Cause No. EP-20-CR-	CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS BY <i>[Signature]</i> DEPUTY CLERK
Plaintiff,	§	<u>INDICTMENT</u>	
v.	§	CT. 1: 18 U.S.C. §§ 2251(a) & (e) Production of a Visual Depiction of a Minor Engaging in Sexually Explicit Conduct	
RICARDO ORTIZ,	§	CT. 2: 18 U.S.C. § 2422(b) Coercion and Enticement	
Defendant.	§	CT. 3: 18 U.S.C. § 2422(b) Attempted Coercion and Enticement	
	§	CT. 4: 18 U.S.C. §§ 2252(a)(4)(B) & (b)(2) Possession of a Visual Depiction Involving the Sexual Exploitation of a Minor (Prepubescent/Under 12 Years of Age)	
	§	CT. 5: 18 U.S.C. § 1470 Attempted Transfer of Obscene Matter to a Minor	
	§	<u>Notice of Government's Demand for Forfeiture</u>	

THE GRAND JURY CHARGES THAT:

EP20CR1808

COUNT ONE

(Production of a Visual Depiction of a Minor Engaging in Sexually Explicit Conduct)  
(18 U.S.C. § 2251(a) & (e))

Beginning on or about March 25, 2020, and continuing to and including on or about July 19, 2020, in the Western District of Texas, the Defendant,

RICARDO ORTIZ

knowingly, intentionally, and unlawfully employed, used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct, as defined in Title 18, United States Code,

Section 2256(2), for the purpose of producing a visual depiction of such conduct, and the visual depiction was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, all in violation of Title 18, United States Code, Sections 2251(a) and (e).

**COUNT TWO**  
**(Coercion and Enticement)**  
**(18 U.S.C. § 2422(b))**

Beginning on or about December 16, 2019, and continuing to and including on or about July 19, 2020, in the Western District of Texas and elsewhere, Defendant,

**RICARDO ORTIZ,**

did use any facility of interstate and foreign commerce, to knowingly attempt to persuade, induce, entice, and coerce any individual who had not attained the age of eighteen (18) years to engage in any sexual activity for which any person could be charged with an offense that is, Indecency with a Child, in violation of Texas Penal Code Section 21.11, in violation of Title 18, United States Code, Section 2422(b).

**COUNT THREE**  
**(Attempted Coercion and Enticement)**  
**(18 U.S.C. § 2422(b))**

On or about July 19, 2020, in the Western District of Texas and elsewhere, Defendant,

**RICARDO ORTIZ,**

did use any facility of interstate and foreign commerce, to knowingly attempt to persuade, induce, entice, and coerce any individual who had not attained the age of eighteen (18) years to engage in any sexual activity for which any person could be charged with an offense that is, Indecency with a Child, in violation of Texas Penal Code Section 21.11, in violation of Title 18, United States Code, Section 2422(b).

**COUNT FOUR**

**(Possession of Child Pornography) [Prepubescent/Under 12 Years of Age]  
(18 U.S.C. §§ 2252(a)(4)(B) and (b)(2))**

On or about July 19, 2020, in the Western District of Texas, and elsewhere, the Defendant,

**RICARDO ORTIZ,**

knowingly possessed matter which contained any visual depiction, the production of which involved the use of a minor engaging in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), which visual depictions had been transported in interstate and foreign commerce, to wit: by computer, and were produced using materials which had been shipped and transported in interstate and foreign commerce by any means, including by computer, and the producing of which involved the use of a minor engaging in sexually explicit conduct, said minor being prepubescent and having not attained the age of 12 years, and such visual depictions were of such conduct, in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and (b)(2).

**COUNT FIVE**

**(Attempted Transfer of Obscene Matter to a Minor)  
(18 U.S.C. § 1470)**

On or about July 19, 2020, in the Western District of Texas, and elsewhere, the Defendant,

**RICARDO ORTIZ,**

did, by means of interstate commerce, knowingly attempt to transfer obscene matter to another individual who had not attained the age of 16 years, knowing that the other individual had not attained the age of 16 years, in violation of Title 18, United States Code, Section 1470.

**NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE**

**[See Fed. R. Crim. P. 32.2]**

**I.**

**Coercion and Enticement Violation and Forfeiture Statutes**

**[Title 18 U.S.C. § 2422(b) subject to forfeiture pursuant to  
Title 18 U.S.C. § 2428(a)(1) and (2)]**

As a result of the foregoing criminal violations set forth in Counts Two and Three, the United States of America gives notice to the Defendant **RICARDO ORTIZ** of its intent to seek the forfeiture of the properties described below upon conviction and pursuant to Fed. R. Crim. P. 32.2, Title 18 U.S.C. §§ 2428(a)(1) and (2), which state:

**Title 18 U.S.C. § 2428. Forfeitures**

**(a) In general.**— The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

\* \* \*

- (1) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and
- (2) any property, real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violation.

**II.**

**Transfer of Obscene Material to Minors Violation and Forfeiture Statutes**

**[Title 18 U.S.C. § 1470 subject to forfeiture pursuant to  
Title 18 U.S.C. § 1467(a)(1),(2), and (3)]**

As a result of the foregoing criminal violations set forth in Count Five, the United States of America gives notice to the Defendant **RICARDO ORTIZ** of its intent to seek the forfeiture of the properties described below upon conviction and pursuant to Fed. R. Crim. P. 32.2, Title 18 U.S.C. §§ 1467(a)(1), (2), and (3), which state:

**Title 18 U.S.C. § 1467. Criminal forfeiture**

**(a) Property Subject to Criminal Forfeiture.**—A person who is convicted of an offense under this chapter involving obscene material under this chapter shall forfeit to the United States such person's interest in—

\* \* \*

- (1) any obscene material produced, transported, mailed, shipped, or received in violation of this chapter;
- (2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- (3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

**III.**

**Sexual Exploitation of Children Violations and Forfeiture Statutes**

**Title 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2) & 2251(a) & (e) subject to  
forfeiture pursuant to Title 18 U.S.C. §§ 2253(a)(1), (2) and (3)]**

As a result of the foregoing criminal violations set in Counts One and Four, the United States of America gives notice to Defendant **RICARDO ORTIZ** of its intent to seek the forfeiture of the properties described below upon conviction and pursuant to Fed. R. Crim. P. 32.2, Title 18 U.S.C. §§ 2253(a)(1), (2), and (3), which state:

**Title 18 U.S.C. § 2253. Criminal forfeiture**

**(a) Property subject to criminal forfeiture.**—A person who is convicted of an offense under this chapter involving a visual depiction described in section 2251, 2251A, 2252, 2252A, or 2260 of this chapter or who is convicted of an offense under section 2252B of this chapter, or who is convicted of an offense under chapter 109A, shall forfeit to the United States such person's interest in—

\* \* \*

- (1) any visual depiction described in section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;
- (2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- (3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

This Notice of Demand for Forfeiture includes but is not limited to the property described below in Paragraph III.

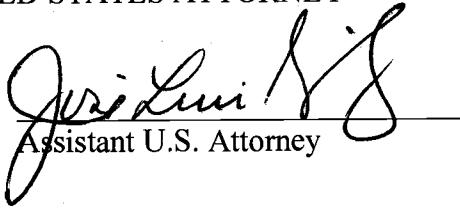
**III.**  
**Properties**

- 1. Midnight Green iPhone 11 Pro Max, 250GB, Serial Number Unknown; and**
- 2. Any and all other property and/or accessories involved in or used in the commission of the criminal offense.**

A TRADITIONAL SIGNATURE  
REDACTED PURSUANT TO  
THE GOVERNMENT ACT OF 2002

\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

JOHN F. BASH  
UNITED STATES ATTORNEY

BY: 

Assistant U.S. Attorney